

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6490

BILL NUMBER: HB 1781

DATE PREPARED: Dec 9, 2000

BILL AMENDED:

SUBJECT: Alcohol and Controlled Substances.

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill specifies that it is a Class B misdemeanor for a person to be: (1) in a public place or a place of public resort; or (2) in or upon public transportation or in a depot, station, or airport; in a state of intoxication caused by the person's use of alcohol or a controlled substance. The bill requires a person to pay the \$200 Alcohol and Drug Countermeasures Fee if: (1) the person is found to have committed the offense of operating a tractor-trailer combination or other vehicle recklessly and the person's offense involved the use of alcohol or a controlled substance; or (2) the person is found to have committed the offense of public intoxication or intoxication upon a common carrier and the person's offense involved the operation of a vehicle. The bill also removes a provision that requires a person's driving privileges to be suspended by a court or the Bureau of Motor Vehicles before the person is required to pay the Alcohol and Drug Countermeasures Fee.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues: This bill expands the definition of intoxication to include controlled substances (offenses under which are a Class B misdemeanor). The bill also adds offenses to the types of actions for which the \$200 Alcohol and Drug Countermeasures Fee is collected: operating a tractor-trailer combination or other vehicle recklessly under the influence of alcohol or a controlled substance, and public intoxication or intoxication upon a common carrier that involve the operation of a vehicle.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state

General Fund.

This bill also adds offenses for which the \$200 Alcohol and Drug Countermeasures Fee is to be collected. Consequently, revenue to the State User Fee Fund and county drug-free community funds should increase. According to the BMV, the number of convictions that occur under the additional offenses provided in the bill is not known. Of the \$200, 25% is distributed by the court clerks to the State Auditor for deposit in the State User Fee Fund, and 75% is distributed to the county auditor for deposit in the county drug-free community fund.

Background: The offenses added to the types of actions for which the \$200 Alcohol and Drug Countermeasures Fee is collected by the court clerk include the following: (1) operating a tractor-trailer combination or other vehicle recklessly under the influence of alcohol or a controlled substance; and (2) public intoxication or intoxication upon a common carrier that involved the operation of a vehicle.

Of the amounts deposited into the State User Fee Fund (described above), \$1,087,500 is distributed semi-annually as follows:

- (1) 17.73% into the Alcohol and Drug Countermeasures Fund.
- (2) 9.97% into the Drug Interdiction Fund.
- (3) 5.54% into the Drug Prosecution Fund.
- (4) 6.65% into the Corrections Drug Abuse Fund.
- (5) 26.60% into the State Drug Free Communities Fund.
- (6) 9.45% to the Indiana Department of Transportation.
- (7) 24.06% in the Family Violence and Victim Assistance Fund.

The balance in the account is distributed to the Indiana Safe Schools Fund.

The county drug-free community fund is used to promote comprehensive local alcohol and drug abuse prevention initiatives by supplementing local funding for treatment, education, and criminal justice efforts.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Auditor.

Local Agencies Affected: Trial courts, local law enforcement agencies, local units that receive distributions from the State User Fee Fund and county drug-free community funds.

Information Sources: Bureau of Motor Vehicles.